

IRVIN WALL

IBLA 82-1045

Decided November 19, 1982

Appeal from separate decisions of the Oregon State Office, Bureau of Land Management, rejecting in part oil and gas lease applications OR 28385, OR 28387, OR 32907, and OR 34211.

Dismissed in part; affirmed in part.

1. Rules of Practice: Appeals: Dismissal -- Rules of Practice: Appeals: Statement of Reasons

An appeal to the Board of Land Appeals will be dismissed when the appellant withdraws the appeal or when he fails to file timely a statement of reasons, and no reason for maintaining the action is apparent.

2. Oil and Gas Leases: Applications: Description -- Oil and Gas Leases: Description of Land

The failure to designate a meridian is not a fatal defect in the land description in an over-the-counter noncompetitive oil and gas lease offer where the state in which the land is located is governed by only one meridian.

3. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: First-Qualified Applicant

Because a noncompetitive oil and gas lease may be issued only to the first-qualified applicant, a junior offer is

properly rejected to the extent that it includes land described in a senior offer and the junior offeror fails to provide valid reasons why the senior offer should be considered defective.

APPEARANCES: Irvin Wall, pro se.

OPINION BY ADMINISTRATIVE JUDGE STUEBING

Irvin Wall has appealed from separate decisions of the Oregon State Office, Bureau of Land Management (BLM), rejecting his over-the-counter noncompetitive oil and gas lease offers OR 28385, OR 32907, and OR 34211 in part and OR 28387 in full. The offers were rejected to the extent that they included land leased to senior offerors.

[1] Wall has withdrawn his appeal from the decision rejecting in part oil and gas lease offer OR 34211, so his appeal from that decision is properly dismissed, there being no apparent reason to maintain the action. Elko County Board of County Supervisors, 29 IBLA 220 (1977); Texaco, Inc., 1 IBLA 477 (1971). Appellant filed no statement of reasons for appealing the partial rejection of offer OR 32907, and his failure to do so within the time required subjects the appeal to summary dismissal. 43 CFR 4.412. That appeal is also dismissed. Thurman Banks, 22 IBLA 205 (1975). We now turn to the appeals from decisions affecting his other offers.

Wall filed oil and gas lease offers OR 28385 and OR 28387 on July 31, 1981. Those offers described land overlapping with land described in senior offers OR 26848, OR 26856, and OR 26859 filed by Aeon Energy Company on May 22, 1981. Leases were issued to Aeon, and the State Office rejected Wall's offers to the extent it conflicted with Aeon's. In his statement of reasons, Wall contends that Aeon's offers should be disallowed because the land descriptions were incomplete in that they failed to indicate the meridian.

[2] Departmental regulation 43 CFR 3101.1-4(a) requires that oil and gas lease offers for surveyed lands must describe the lands by legal subdivision, section, township, and range. The noncompetitive oil and gas lease forms also provide a space for filling in the applicable meridian. Designation of the meridian clearly is necessary for states which are governed by more than one meridian, such as California. Because Oregon is governed by only one meridian, however, the designation of the meridian is surplusage. In the instant case, indication of the meridian is an added convenience found on the form. Cf. Irvin Wall, 67 IBLA 301, 302 (1982) (holding that the indication of a county is an added convenience on the form and that a lease will not be cancelled if the county is incorrectly identified). An over-the-counter noncompetitive oil and gas lease offer need not be rejected for failure to indicate the meridian where the state in which the land is located is governed by only one meridian.

[3] Because a noncompetitive oil and gas lease may be issued only to the first qualified applicant, 30 U.S.C. § 226(c) (1976), a junior offer is properly rejected to the extent that it includes land designated in a senior offer and a junior offeror fails to provide valid reasons why the senior offer should be considered defective.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions rejecting oil and gas lease offers OR 28385 and OR 28387 are affirmed and the appeals from decisions rejecting oil and gas lease offers OR 32907 and OR 34211 are dismissed.

Edward W. Stuebing
Administrative Judge

We concur:

Will A. Irwin
Administrative Judge

James L. Burski
Administrative Judge

